

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

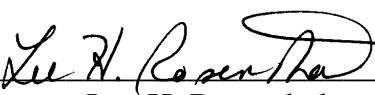
TOMAC OF FLORIDA, INC., §
§
Plaintiff, §
§
VS. § CIVIL ACTION NO. H-09-0365
§
SEYR, INC., *et al.*, §
§
Defendants. §

ORDER OF PENDING DISMISSAL

This action was filed on February 9, 2009. One of the defendants, Helen King, does not appear to have been served at this time. The other defendant, Seyr, Inc. has been served but has failed to answer within 20 days, as required by Rule 12(a), Fed. R. Civ. P., and over 60 days have passed from the date an answer was due without any action by the plaintiff. The plaintiff must file proof of service as to Helen King, and the appropriate motion as to Seyr, Inc., no later than June 12, 2009. Failure to do so may lead to dismissal, without prejudice.

The pretrial conference set for May 29, 2009 is canceled. It will be reset if appropriate after the service and answer issues are addressed.

SIGNED on May 22, 2009, at Houston, Texas.



Lee H. Rosenthal
United States District Judge